

REMARKS

Request for Reconsideration

The Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action, but remain of the position that patentable subject matter is present. The Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

Drawing Objection

The drawings had been objected to on the grounds that the hollow rotor "mounted rotatably and secured within a hub" is not shown.

Claim 1 has been amended to delete the cited language.

Claim Status

Claims 1 and 4-7 are pending. Claims 1, 4, 6, and 7 have been amended herein and claims 8-9 have been canceled. These amendments will be discussed in more detail below.

Claim Rejections – 35 U.S.C. § 112

Claims 1 and 9 had been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the claim limitation "rolling mounting means for rotatably mounting the rolling body screw mechanism in the housing" uses the phrase "means for," but was modified by some structure, material or acts recited in the claim. Also, claim 1

and 9 recite the limitation “a hollow rotor mounted rotatably and secured within a hub,” but it is unclear how the rotor can be within the hub.

Claim 9 has been canceled and claim 1 has been amended to remove the “means for” limitation from the claims. The “means for” had been defined in the claims as the angular ball bearing, thus claim 1 has been amended to place it in more conventional U.S. format.

Also, claim 1 has been amended to remove the limitation “a hollow rotor mounted rotatably and secured within a hub.”

Claim Rejection – 35 U.S.C. § 103

Claims 1, 4, 5 and 9 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatewaki, *et al.* (U.S. Patent Application 2002/0148672) in view of Saruwatari, *et al.* (U.S. Patent Application 2002/0096389). Claims 6 and 7 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatewaki in view of Saruwatari as applied to claims 1 and 4, and further in view of R.E. Osborne (U.S. Patent 2,964,967). Claim 8 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatewaki in view of Saruwatari as applied to claims 1, and further in view of Bugosh (U.S. Patent Application 2003/0192734).

Claim 1 has been amended to better define the claimed invention. As amended, claim 1 defines over Tatewaki in view of Saruwatari.

As stated in claimed 1, the outer ring is radially overlapped at one axial end side by a ring, which is arranged between the two housing parts. Neither Tatewaki nor Saruwatari

disclose such a ring or such an arrangement. Thus, as amended, the claimed invention is distinguishable from and patentable over Tatewaki in view of Saruwatari.

Additionally, Applicants respectfully disagree that the deceleration gear (Fig. 2, 102) of Tatewaki is equivalent to the hollow rotor (6) of the present invention. Although both the rotor of the present invention and the deceleration gear of Tatewaki are both part of electric motors, the two components serve different purposes. (see, p. 1, lines 9-16; see, Tatewaki, para. 0009, 0012). Tatewaki specifically states “[t]he electric motor **105** described above is constructed of a stator (unillustrated), a rotor (not shown) having a rotary shaft and others.” (see, Tatewaki, para. 0065). Unlike Tatewaki, the rotor of the present invention is drive connected to a spindle nut of the ball screw mechanism. (see p. 1, lines 14-16). The deceleration gear of Tatewaki on the other hand aids in decelerating rotation (see, Tatewaki, para. 0012). Thus, the function of the two components is distinguishable.

Since the dependent claims 4 and 5 are dependent on claim 1 and claim 1 is patentable over the prior art, claims 4 and 5 are also patentable over the prior art. Claim 9 has been canceled and therefore the rejection relating to claim 9 is moot.


Regarding claims 6 and 7, R.E. Osborne does not cure the deficiencies of Tatewaki and Saruwatari. Thus, since claims 6 and 7 are ultimately dependent upon claim 1, which as discussed above is patentable over Tatewaki in view of Saruwatari, claims 6 and 7 are patentable

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: 
Klaus P. Stoffel, Reg. No. 41,668
Attorney for Applicant(s)
475 Park Avenue South, 15th Floor
New York, New York 10016
Tel. (212) 661-8000 Fax (212) 661-8002

DCL/KPS/JRW/ns